



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

CERTIFIED MAIL –
RETURN RECEIPT REQUESTED

Lincoln Processing Corporation
c/o Daniel Riesel
Sive, Paget & Riesel, PC
460 Park Avenue, 10th Floor
New York, NY 10022

Re: Notice of Potential Liability Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9607(a), Related to the New Cassel/Hicksville Ground Water Contamination Superfund Site in the Towns of Hempstead, North Hempstead and Oyster Bay in Nassau County, New York

Dear Mr. Riesel:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threat of release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675. EPA has documented the release and threat of release of hazardous substances into the environment at the New Cassel/Hicksville Ground Water Contamination Superfund Site located in the Towns of Hempstead, North Hempstead, and Oyster Bay in Nassau County, New York (the "Site"). A Site Description and Site Location Map are enclosed. On September 16, 2011, the Site was listed on the "National Priorities List" of hazardous substance releases that has been established pursuant to CERCLA. In response to these releases and the threat of future releases, EPA has spent public funds and EPA anticipates spending additional public funds for the Site.

The Site comprises a widespread area of ground water contamination in the Towns of Hempstead, North Hempstead, and Oyster Bay. The Site is located in a heavily developed area consisting of industrial, commercial, and residential land where a variety of past industrial and commercial activities may have contributed to ground water contamination. Prior to the Site's inclusion on the National Priorities List, an EPA investigation revealed the presence of volatile organic compounds ("VOCs") including, but not limited to, tetrachloroethylene ("PCE") and

trichloroethylene (“TCE”) above state and federal drinking water standards in influent water in the following public water supply wells: four Town of Hempstead wells (Bowling Green 1 and 2, Roosevelt Field 10 and Levittown 2A), six Hicksville wells (4-2, 5-2, 5-3, 8-1, 8-3 and 9-3) and Westbury Water District Well 11. The aquifers underlying the Site serve as drinking water for the public water systems in the Towns of North Hempstead, Hempstead, and Oyster Bay.

On July 19, 2013, EPA issued a memorandum entitled Supplemental Remedial Investigation Memorandum which, among other things, summarized the groundwater data collected through 2011 in the area designated by EPA as operable unit one (“OU1”) for the Site. EPA determined that three groundwater plumes exist at OU1 (the eastern, central, and western plumes). These plumes are characterized by chlorinated VOCs, primarily PCE and TCE.

Based on the results of the Supplemental Remedial Investigation Memorandum and the Supplemental Feasibility Study Technical Memorandum for OU1 issued on July 23, 2013, on September 30, 2013, EPA issued a Record of Decision (“ROD”) for OU1, in which it selected an interim remedy for OU1 at the Site. The interim remedy includes, but is not limited to, a combination of in-situ treatment of groundwater via in-well vapor stripping and extraction of groundwater via pumping, and ex-situ treatment of extracted groundwater prior to discharge and in-situ chemical treatment to target high concentration contaminant areas. The success of the interim remedy for OU1 is contingent upon the completion of the on-going response actions at the New Cassel Industrial Area facilities overseen by NYSDEC pursuant to New York State authority.

EPA’s September 30, 2013 ROD also called for the performance of an investigation of the area of groundwater contamination in the far field downgradient of OU1, which EPA has designated as operable unit three (“OU3”) at the Site.

NOTICE OF POTENTIAL LIABILITY

Under CERCLA, responsible parties may be held liable for all monies expended by the federal government in taking response actions in connection with a site where there has been a release or a threatened release of hazardous substances -- including the costs of the government’s investigative, planning, removal, remedial, and enforcement actions. Responsible parties may also be ordered by EPA to take response actions. Responsible parties under CERCLA include, among others, the current and past owners or operators of a facility from which there has been a release or threatened release of a hazardous substance, and persons or entities that arranged for the treatment or disposal of hazardous substances that were found at a given site.

EPA believes that your client, Lincoln Processing Corporation, is liable as an operator at 89 Frost Street, Westbury, NY, a facility from which there has been a release or threatened release of a hazardous substance. During its tenancy at the facility, Lincoln Processing Corporation utilized PCE and TCE in its processes which were released at the facility. Accordingly, EPA considers you to be a potentially responsible party (“PRP”) pursuant to Section 107(a) of CERCLA.

By letter which you on behalf of your client, among others, should be receiving shortly, EPA

expects to commence settlement negotiations related to its costs for the Site and for performance of the Remedial Design for OU1 and the Remedial Investigation/Feasibility Study for OU3.

If you have any questions or would like to discuss this matter with EPA, you may contact Sharon Kivowitz at 212-637-3183 or kivowitz.sharon@epa.gov.

Sincerely yours,

Nicoletta Diforte
Senior Enforcement Policy Advisor
Emergency and Remedial Response Division

Enclosures